

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TUNI & G, a California General Partnership, ) Case No.: 08-CV-0410-BMT (JMA)  
Plaintiff, ) The Honorable Jan M. Adler  
vs. ) United States Magistrate Judge  
SPENCER GIFTS, LLC, a Delaware Limited ) Courtroom 1165

Liability Company; et al.,  
Defendants.

SPENCER GIFTS, LLC, a Delaware Limited )  
Liability Company; et al.,  
Counter-Claimants,  
TUNI & G, a California General Partnership, )  
et al.,  
Counter-Defendants.

**ORDER FOR DISMISSAL WITH  
PREJUDICE**

After due consideration of the Joint Motion for Dismissal with Prejudice,

IT IS HEREBY ORDERED:

1. The Complaint in the above-referenced case against Defendants Spencer  
Gifts, LLC, a Delaware Limited Liability Company, Spencer Gifts Holding, LLC,  
a Delaware Limited Liability Company and Spencer Gifts Online, LLC, a  
Delaware Limited Liability Company is hereby dismissed with prejudice;

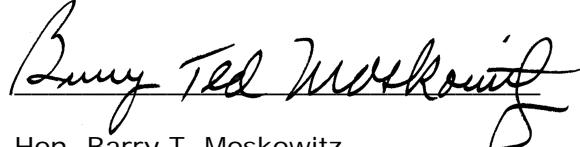
1       2. The Counterclaim in the above-referenced case by Counter-Claimants Spencer  
2           Gifts, LLC, a Delaware Limited Liability Company, Spencer Gifts Holding, LLC,  
3           a Delaware Limited Liability Company and Spencer Gifts Online, LLC, a  
4           Delaware Limited Liability Company against Tuni & G is hereby dismissed with  
5           prejudice;

6       3. All parties shall bear their own attorney's fees and costs.

7       4. This court shall retain jurisdiction in order to enforce the settlement and  
8           release agreement between the parties.

9       5. All claims and counterclaims are dismissed with prejudice.

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11      Dated: August 8, 2008

  
Hon. Barry T. Moskowitz